

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE ROCKPORT COMPANY, LLC,

Plaintiff,

v.

E.S. ORIGINALS, INC.

Defendant.

CIVIL ACTION NO. 04-12714-WGY

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant, E.S. Originals, Inc. ("ESO"), hereby moves for summary judgment due to the fact that all remedies available under the contract have been paid. The grounds and support for this Motion are set forth in the accompanying Memorandum In Support of Defendant's Motion for Summary Judgment and the Declaration of Morris Shalom.

Request For Oral Argument

ESO requests oral argument on this motion.

Certification Under Local Rule 7.1

Pursuant to Local Rule 7.1 the undersigned hereby certifies that she has conferred with opposing counsel in a good faith effort to resolve or narrow the issues presented by this motion.

Date: March 16, 2005

Respectfully submitted,
E.S. ORIGINALS, INC.
by its attorneys,

/s/ Laura Topper
James J. Foster, Esq. BBO #553285
jfooster@wolfgreenfield.com
Laura Topper, Esq. BBO #652364
ltopper@wolfgreenfield.com
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Tel: (617) 646-8000
Fax: (617) 720-2441